

REMARKS

In the Office Action, the Examiner rejected claims 1, 3, 8, 9, 11, 16, 17, 19, 23, 24, 27, and 33 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,313,848 to Hoag ("Hoag") in view of U.S. Patent Application Publication No. 2005/0005236 of Brown et al. ("Brown") and further in view of U.S. Patent No. 5,317,306 to Abraham et al. ("Abraham"), and rejected claims 5, 13, 21, 29, and 34-45 under 35 U.S.C. § 103(a) as being unpatentable over Hoag in view of Brown and Abraham and further in view of U.S. Patent No. 6,865,720 to Otani ("Otani").

Applicant has amended claims 1, 5, 9, 13, 17, 21, 24, 27, 29, 34, 35, 37, 38, 42, and 45, placing all the claims in condition for allowance, as explained below. Support for the amendments can be found in the specification, for example, on page 12, line 21 - page 13, line 6. Claims 1, 3, 5, 8, 9, 11, 13, 16, 17, 19, 21, 23, 24, 27, 29, and 33-45 are currently pending. Based on the foregoing amendments and following remarks, Applicant respectfully traverses the Examiner's § 103 claim rejections of the pending claims.

A. The Rejection of Claims 1, 3, 8, 9, 11, 16, 17, 19, 23, 24, 27, and 33 Under 35 U.S.C. § 103(a) Based on Hoag, Brown, and Abraham

1. Claims 1, 9, 17, and 24

Applicant respectfully submits that the Examiner has not established a *prima facie* case of obviousness under 35 U.S.C. § 103(a) with respect to claims 1, 9, 17, and 24 at least for reasons that the cited references, taken alone or in combination, fail to teach or suggest every claim element.

Amended independent claim 1 recites, among other features, “selecting from the received data an attribute contained in the received data that will be displayed in both [a] first window and [a] second window.” Amended independent claims 9, 17, and 24, although of different scope, recite similar elements not taught or suggested by the prior art of record.

The Examiner correctly observed that Hoag does not “disclose that the attribute is a part of the received data.” Office Action at 3-4. The Examiner, however, attempted to cure these deficiencies of Hoag by relying on Abraham. The Examiner asserted that Abraham discloses that “an attribute of received data, for instance the ‘deliverable name’ in figure 5, can be repeated in multiple view windows, such as the one in figure 6.” Office Action at 4. “When adding this feature to the multiple window display of Hoag, the result would be a multiple window display that has one or two columns, or attributes, repeated in both windows on a single screen.” Id. Applicant respectfully disagrees.

The window depicted in FIG. 5 of Abraham and the window depicted in FIG. 6 of Abraham are the same window. Abraham, col. 5, lines 3-5. In fact, FIGS. 2-6 of Abraham merely depict the same window at several stages, scrolled to the left or right. Abraham, col. 3, line 65 - col. 4, line 1, col. 4, lines 15-19, 33-35, and 50-52. Thus, Abraham, at most, teaches or suggests an attribute contained in received data that will always appear in the view of a single window (not both a first window and a second window). Applicant respectfully submits that the Examiner is impermissibly using teachings of the present application in hindsight to piece together isolated disclosures of the cited references. This is especially true because Hoag already considered the

“sticky” column feature of Abraham at the time of the invention, and discloses it as prior art. Hoag, col. 1, lines 40-57. Examiners may not pick and choose among isolated disclosures in references to defeat patentability of a claimed invention. Such picking and choosing amounts to improper hindsight reconstruction, and is prohibited. *In re Fine*, 837 F.2d 1071, 1075, 5 USPQ2d 1596, 1600 (Fed. Cir. 1988).

Moreover, amended independent claim 1, 9, 17, and 24 recite further distinctions over Hoag, Brown, and Abraham. For example, amended independent claim 1 recites, among other features, “enabling deletion of a column of . . . displayed data from [a] first window, the deletion causing splitting of remaining displayed data in the first and second windows into a new first portion and a new second portion, such that the new first portion and the selected attribute will fit into the first window.” Amended independent claims 9, 17, and 24, although of different scope, recite similar elements not taught or suggested by the prior art of record.

Hoag discloses deleting a row after information is displayed. Hoag, col. 5, lines 56-60. Hoag also discloses that a user can choose a data column to be hidden before information is displayed. Hoag, col. 5, lines 17-21. However, Hoag fails to teach or suggest deleting a column of displayed data as recited in the independent claims.

FIG. 5 of Hoag depicts twelve data columns, two of which together occupy a single physical column on the screen. For example, in FIG. 5, the data column “1. More Info?” and the data column “7. Time Stamp” are displayed in the second physical column of window 500, one under the other. The distinction between a data column and a physical column exists only in multiple panes in a single window setting, such as in Hoag. Hoag teaches or suggests deleting neither a physical column nor a data

column of displayed data. Furthermore, Hoag teaches nothing regarding how deleting a physical column of displayed data would affect the two or more data columns occupying the physical column, or regarding how deleting a single data column (e.g., “1. More Info?” on the top pane) would affect the corresponding data column (e.g., “7. Time Stamp” on the bottom pane) occupying the same physical column. Thus, Hoag does not teach or suggest “enabling deletion of a column of . . . displayed data from [a] first window, the deletion causing splitting of remaining displayed data in the first and second windows into a new first portion and a new second portion, such that the new first portion and the selected attribute will fit into the first window,” as recited in amended independent claim 1 and similarly in amended independent claims 9, 17, and 24.

Brown allegedly discloses “‘panes’ [which] have all the characteristics that are associated with windows (title bar, etc.).” Office Action at 3. Even assuming this characterization is true, Brown fails to teach or suggest “enabling deletion of a column of . . . displayed data from [a] first window, the deletion causing splitting of remaining displayed data in the first and second windows into a new first portion and a new second portion, such that the new first portion and the selected attribute will fit into the first window,” and thus fails to cure the deficiencies of Hoag.

Abraham teaches a “sticky” column that remains in a view in a single window while other columns are scrolled to the right or left. Abraham, Abstract. Thus, Abraham fails to teach or suggest “enabling deletion of a column of . . . displayed data from [a] first window, the deletion causing splitting of remaining displayed data in the first and second windows into a new first portion and a new second portion, such that the new

first portion and the selected attribute will fit into the first window,” and thus fails to cure the deficiencies of Hoag and Brown.

For at least the reasons set forth above, Hoag, Brown, and Abraham, whether taken alone or in combination, fail to teach or suggest every claim element recited in amended independent claim 1. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 103 rejection of amended independent claim 1 based on Hoag, Brown, and Abraham.

Amended independent claims 9, 17, and 24, although of different scope, recite features that are similar to the features recited in amended independent claim 1. For reasons similar to those set forth with respect to claim 1, Hoag, Brown, and Abraham, whether taken alone or in combination, fail to support the § 103 rejection of claims 9, 17, and 24. Accordingly, Applicant respectfully requests reconsideration and withdrawal of § 103 rejection of claims 9, 17, and 24 based on Hoag, Brown, and Abraham.

2. Claims 3, 8, 11, 16, 19, 23, 27, and 33

Claims 3 and 8 depend from amended independent claim 1; claims 11 and 16 depend from amended independent claim 9; claims 19 and 23 depend from amended independent claim 17; and claims 27 and 33 depend from amended independent claim 24. Thus, claims 3, 8, 11, 16, 19, 23, 27, and 33 are allowable by virtue of their dependence from an allowable claim.

Furthermore, Hoag, Brown, and Abraham, whether taken alone or in combination, fail to teach or suggest additional features recited in these dependent claims. For example, dependent claims 3, 11, 19, and 27 recite that “the data to be displayed comes from more than one data source.” The Examiner asserted that “a

plurality of input sources . . . could be used as data sources.” Office Action at 4.

Applicant disagrees.

Applicant submits that an input source is distinct from a data source. One of ordinary skill in the art would not consider an input source equivalent to a data source. Thus, even under the broadest reasonable interpretation, a “data source” would not include an input source, such as those input devices listed in the Hoag reference.

The Examiner, however, asserted that “inputting data from multiple data sources such as keyboard, files on a hard drive, and files on a CD-ROM drives is well-known in the art” and apparently took Official Notice of this assertion. Office Action at 4. As M.P.E.P. 2144.03 clearly provides, “[i]n limited circumstances, it is appropriate for an examiner to take official notice of facts not in the record or to rely on ‘common knowledge’ in making a rejection, **however such rejections should be judiciously applied**” (emphasis added).

Applicant submits that it is well-known that a keyboard is an input source, which is not a data source, and thus respectfully request documentary evidence supporting the Examiner’s position. Further, Hoag merely mentions a “hard disk” and “CD-ROM” without further disclosing any existence of “files” and the type of the files. And, even if a file does exist on a hard disk and a CD-ROM as asserted by the Examiner, it is well-known that a typical flat data file, whether it is from a hard drive or a CD-ROM, constitutes a single data source. Therefore, even if the Examiner’s assertion has any merit, the assertion identifies only a single data source. For at least these reasons, Hoag, Brown, Abraham, and the Examiner’s Official Notice, whether taken alone or in

combination, fail to teach or suggest that “the data to be displayed comes from more than one data source,” as recited in claims 3, 11, 19, and 27.

For these additional reasons, Hoag, Brown, and Abraham, whether taken alone or in combination, fail to support the § 103 rejection of dependent claims 3, 8, 11, 16, 19, 23, 27, and 33. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 103 rejection of dependent claims 3, 8, 11, 16, 19, 23, 27, and 33 based on Hoag, Brown, and Abraham.

B. The Rejection of Claims 5, 13, 21, 29, and 34-45 Under 35 U.S.C. § 103(a) Based on Hoag, Brown, Abraham, and Otani

As set forth above with respect to independent claims 1, 9, 17, and 24, Hoag, Brown, and Abraham, taken alone or in combination, fail to teach or suggest “selecting from the received data an attribute contained in the received data that will be displayed in both the first window and the second window,” and “enabling deletion of a column of . . . displayed data from [a] first window, the deletion causing splitting of remaining displayed data in the first and second windows into a new first portion and a new second portion, such that the new first portion and the selected attribute will fit into the first window,” as recited in amended independent claims 1, and similarly in amended independent claims 9, 17, and 24, which claims 5, 13, 21, 29, and 34-45 depend from.

Otani allegedly “discloses a method of wrapping table data . . . and . . . adding distinguishing display features to a row such as a background color.” Office Action at 5. Otani also allegedly “discloses a method wherein in more than one data source is a website.” Office Action at 5. Otani further allegedly “discloses a method wherein the event includes sorting the data for the list items.” Office Action at 6. Even assuming

this characterization is true, Otani fails to teach or suggest “selecting from the received data an attribute contained in the received data that will be displayed in both the first window and the second window,” and “enabling deletion of a column of . . . displayed data from [a] first window, the deletion causing splitting of remaining displayed data in the first and second windows into a new first portion and a new second portion, such that the new first portion and the selected attribute will fit into the first window,” and thus Otani fails to cure the deficiencies of Hoag, Brown, and Abraham.

For at least reasons set forth above, Hoag, Brown, Abraham, and Otani, whether taken alone or in combination, fail to support the § 103 rejection of claims 5, 13, 21, 29, and 34-45. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the § 103 rejection of claims 5, 13, 21, 29, and 34-45 based on Hoag, Brown, Abraham, and Otani.

C. Conclusion

In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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